UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/975,423	10/11/2001	William B. Noble	1328.014	9084

22494	7590	04/21/2005		EXAMINER

DALY, CROWLEY, MOFFORD & DURKEE, LLP
SUITE 101
275 TURNPIKE STREET
CANTON, MA 02021-2310

EXAMINER	
AVELLINO, JOSEPH E	

ART UNIT	PAPER NUMBER
2143	

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Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

Office Action Summary		Application No.	Applicant(s)
		09/975,423	NOBLE ET AL.
		Examiner	Art Unit
		Joseph E. Avellino	2143

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *11 February 2005*.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-23* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-23* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

1.   Claims 1-23 are presented for examination; claims 1 and 15 independent. The

Office acknowledges the addition of claims 20-23.

Claim Rejections - 35 USC § 103

2.   The text of those sections of Title 35, U.S. Code not included in this action can

be found in a prior Office action.

Claims 1-12 and 15-23 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Huang et al. (USPN 6,571,245) (hereinafter Huang).

3.   Referring to claim 1, Huang discloses a method for data sharing (col. 10, lines 4-

14) comprising:

storing private data within a private data memory (i.e. a secure folder 622)

associated with a first sharing partner (i.e. a first user) (col. 9, lines 35-53);

selecting a portion of the private data to provide a private data portion (i.e.

selecting a file to share) (col. 10, lines 4-14);

selecting one or more sharing partners (i.e. friends) associated with the first

sharing partner (they are associated in that they all use the same system, since this is

the only way to obtain shared files from one user to another) (col. 10, lines 4-14);

associating the private data portion with the selected sharing partners (i.e. allow

the "friends" access to the data) (col. 10, lines 4-14);

Huang does not specifically disclose replicating the selected data to the selected

sharing partners as respective replicated data on respective write-only data paths,

however it is obvious to replicate the invention to produce the same intended result.

See In re Harza, 274 F.2d 669, 124 USPQ 378 (CCPA 1960). Huang furthermore

discloses the ability for a user to download a file to the users computer system (col. 10,

lines 54-60) and to show a listing of which files are available to this user from the friend

associated with the user (col. 10, lines 15-26). Huang furthermore discloses

synchronizing data on respective write-only data path (the Office takes the term "write-

only data path" to be construed as one way communications, such as the

synchronization of profiles from the central database with the local PC, this only

happens one way, such as the central database is not updated by the local PC) (col. 13,

lines 40-47). This would lead one of ordinary skill in the art to be able to retrieve

selected data and replicating this data to the user's computer from a "friend" computer

using write-only data paths in order to distribute information to parties wishing to share

and collaborate on information and projects, thereby increasing the knowledge of all the

users of the system.

4.   Referring to claim 2, Huang discloses creating a data tag, including one or more

of a first sharing partner tag portion associated with the first sharing partner (i.e.

creator), a selected sharing partners tag portion associated with the one or more

selected sharing partners (i.e. who has access rights to it) , a data identifier tag portion

(i.e. a file name), and a data time identifier tag portion (i.e. when last modified) (col. 10,

lines 45-43); and

associating the data tag with the private data portion to provide tagged private

data (col. 10, lines 36-53; Figure 7).

5.   Referring to claim 3, Huang discloses creating a copy of the tagged private data

to provide a tagged private data copy (Huang does not specifically disclose that the

selected item is a private data portion, merely "a selected item", however one of

ordinary skill in the art would understand that all files can be duplicated, including

private ones, and would find this obvious to make this correlation since it is a common

feature in all computer systems) (col. 9, lines 15-21);

placing the tagged private data copy into a first shared data memory (i.e. limited

access folder 626) associated with the first sharing partner to provide tagged shared

data copy (col. 9, lines 15-21; col. 10, lines 4-26); and

associating the tagged shared data copy with a respective one of the one or

more selected sharing partners indicated by the selected sharing partners tag portion

(col. 10, lines 4-14).

6.   Referring to claim 4, Huang discloses copying the tagged shared data copy to a

second shared data memory associated with the respective one of the one or more

selected sharing partners to provide a tagged replicated data copy (col. 10, lines 45-61;

Figure 7).

7.   Referring to claim 5, Huang discloses the copying further includes copying the

tagged shared data copy with a write-only data connection between the first shared data

memory and the second shared data memory (col. 10, lines 4-14).

8.   Claims 6 and 7 are rejected for similar reasons as stated above.

9.   Referring to claim 8, Huang discloses altering the private data portion (i.e. an

inherent feature that if files are synchronized, they must have been changed previously)

(col. 11, line 47 to col. 12, line 37).

10.   Referring to claim 9, Huang discloses automatically updating the tagged private

data when the private data portion is altered by the first sharing partner (col. 12, lines

20-34).

11.   Referring to claim 10, Huang discloses selecting the one or more sharing

partners with a GUI associated with the data tag (it is an inherent feature to the system

that a GUI must be used to associate the files with sharing partners, since the user is

the entity which chooses the sharing partners, and any interface which interacts a

computer with a user can be considered a GUI) (col. 10, lines 4-14).

12.   Referring to claim 11, Huang discloses altering the selected sharing partners tag

portion with the GUI (as stated above, if the users are selected via the GUI, then the tag

must be altered via the GUI, since this will be the only way which the files will be

associated with the users) (col. 10, lines 4-14).

13.   Referring to claim 12, Huang discloses automatically changing the tagged shared

data and the tagged replicated copy to match the tagged private data copy when the

tagged private data copy is altered by the first sharing partner (col. 11, lines 62-67).

14.   Claims 15-17, 20, 21, and 23 are rejected for similar reasons as stated above.

15.   Referring to claim 22, Huang does not specifically disclose deselecting a sharing

partner and stop updating the information, however this would be an inherent feature of

the system since the limited access files are only available for access by this user (col.

10, lines 15-25) and therefore the files would only be updated for those who have

access.

        Claims 13, 14, 18, and 19, are rejected under 35 U.S.C. 103(a) as being

unpatentable over Huang in view of Pike et al. (Defense Data Network, Defense Secure

Network; FAS Intelligence Resource Program; February 11, 2000

http://www.fas.org/irp/program/disseminate/ddn.htm) (hereinafter FAS).

16.   Huang discloses the invention substantively as described in the claims above.

Huang does not disclose corresponding to military allies located in different countries.

FAS discloses another data sharing system wherein the sharing partners corresponds

to military allies in different countries (i.e. worldwide) (p.1). It would be obvious to a

person of ordinary skill in the art at the time the invention was made to combine the

teaching of FAS with Huang in order to connect worldwide sub-networks to one another

and to which classified circuits are encrypted in order to utilize the same network for all

types of classes of traffic as supported by FAS (p. 1).

Response to Amendment

17.   Applicant's arguments filed February 11, 2005 have been fully considered but

they are not persuasive.

18.   In the remarks, Applicant argues, in substance, that (1) Huang does not disclose

using respective write-only data paths, and (2) Huang does not disclose automatically

updating tagged private data.

19.   As to point (1), Applicant's attention is drawn to col. 13, lines 40-47. Huang

discloses updating a data object (i.e. a personal information profile) in a one-way

fashion, the information from the central database 1030 is transmitted to the local PC,

where then the local PC copy of the information is then updated. This is considered a

write-only data path since the local PC does not update the central database. By this rationale, the rejection is maintained.

20.   As to point (2), Applicant's attention is further drawn to col. 12, lines 1-35, and col. 13, lines 40-47. Huang further discloses a synchronization application which updates based on update times selected by the user or selected automatically by the application, this is done without the user's knowledge and intervention. By this rationale the rejection is maintained.

Conclusion

21.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph E. Avellino whose telephone number is (571) 272-3905. The examiner can normally be reached on Monday-Friday 7:00-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JEA
April 5, 2005

DAVID WILEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100